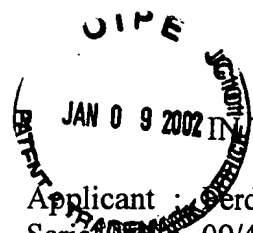


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ferdinand Engel
Serial No. : 09/401,874
Filed : September 23, 1999
Title : IDENTIFYING A FAILED DEVICE IN A NETWORK

Art Unit : 2184
Examiner : D. Le

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Commissioner for Patents
Washington, D.C. 20231

RESPONSE

This is in response to the office action mailed July 30, 2001. We ask the Examiner to reconsider the rejections of the claims in view of the arguments presented below.

REMARKS

The Examiner rejects claims 1-31 under 35 U.S.C. 103(a) as being unpatentable over Carusone, Jr. et al. (US Patent 5,157,667, "Carusone") in view of Reynolds et al. (US Patent 6,138,161, "Reynolds").

The Examiner admits that Carusone does not explicitly teach a "target device" as recited in claim 1. The Examiner appears to believe that Reynolds teaches what Carusone does not, saying that Reynolds "discloses ... communication between the target device and the initiator via a network to eliminat[e] the loss of data or failure". The Examiner also notes that Reynolds discloses a "router as target device". But neither of these qualifies as the "target device" as recited in claim 1, at least because Reynolds does not teach "identifying the target device as a failed device" as claim 1 recites.

The Examiner appears to think that the following passage in Reynolds indicates that Reynolds associates a failure (one that results from a break in communication) with Reynolds's target device:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

30 October 2001
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